

**Remarks/Arguments:**

**Claim Status**

Claims 22-43 are currently pending. Claims 26-29, 31, 32 and 34 are withdrawn from consideration.

**Rejection Under 35 U.S.C. §112**

Claim 33 stands rejected as being indefinite. Applicants have amended claim 33 to remove the term 'appropriate' therefrom, and respectfully request reconsideration of claim 33.

**Rejections Under 35 U.S.C. §102 and §103**

Claims 22-25, 36-38 and 42 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,813,230 to Hartl. Claims 30, 33 and 35 stand rejected under 35 U.S.C. §103 as unpatentable over Hartl. Applicants respectfully traverse the rejection of these claims for the reasons set forth hereinafter.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"To establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143. Additionally, as set forth by the U.S. Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), it is necessary to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed.

Independent claim 22 recites "wherein a first actuation component, defined by the brake pedal or a component articulated at the brake pedal, and a second actuation component that is connected downstream in the flux of force are configured relative to one another such that the first actuation component is freely moveable relative to the second actuation component in a direction toward the second actuation component prior to actuation of the brake pedal such that a lost travel is defined between the first and second actuation components in order to uncouple the first actuation component mechanically from the

reactions of force of the motor vehicle brake system in a by-wire mode." These features are not disclosed by Hartl.

The Office Action states that "the first actuation component 1 is freely moveable relative to the second actuation component 33 in a direction toward the second actuation component prior to actuation of the brake pedal ... in a by-wire mode" (see page 3). Applicants respectfully disagree and submit that, in a by-wire mode and prior to actuation of Hartl's brake pedal, component 1 is not freely moveable relative to component 33. In contrast, translation of component 1 induces translation of component 33 in a by-wire mode (referred to as the normal case in Hartl). As stated in Hartl:

When the brake of the vehicle is operated--as long as there is no fault report concerning the function of the power brake system--(in the following also **called normal case**), the change-over valves 14 are closed by means of the control unit 15. Thus, no brake fluid can escape from the working chambers 16, 17 of the master brake cylinder 9 into the master brake lines 12, 13 and the wheel brake cylinders. The required wheel brake pressure corresponding to the driver's wish is generated by the power brake device in the wheel brake cylinders, possibly while taking into account brake pressure controls which are to cause a stabilizing of the vehicle. By means of the operating force applied by the driver and **acting upon the brake pedal, first the pistons 7 and 11 of the master brake cylinder 9 are displaced so far in the direction of a pressure buildup in the working chambers 16, 17 until the breather holes 18, 19 of the working chambers 16, 17 leading to a brake fluid reservoir are closed.** The pistons 7, 11 can travel only this short path without pressure buildup in the working chambers 16 and 17. See Column 3, lines 14-33.

**"In the normal case,** the electromagnet 36 is energized at the start of the brake operation so that the bolt reaches a position against the force of the spring 37 in which it mechanically connects the first rod 31 and the sleeve 35 with one another. **When the brake pedal is operated, the plunger piston [7] is first moved in the direction of a reduction of the volume of the working chamber 16 until the breather hole 18 is closed.** See Column 5, lines 43-52.

In summary, in a by-wire mode (referred to as the 'normal case' in Hartl), actuation of Hartl's brake pedal displaces rod 1, which, in turn, displaces rod 33 which, in turn, displaces pistons 7 and 11 until the breather hole 18 is closed by piston 7. Because component 1 is freely moveable relative to component 33 only after breather hole 18 is closed by piston 7, component 1 is not freely moveable relative to component 33 prior to actuation of the brake pedal. Thus, Hartl does not disclose that the "first actuation component is freely moveable relative to the second actuation component in a direction toward the second actuation component prior to actuation of the brake pedal ... in a by wire mode" as recited in claim 22.

For the foregoing reason, it is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested. If the Examiner believes an interview will advance the prosecution of this matter, the Examiner is invited to contact the undersigned to arrange the same.

Respectfully submitted,



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